

**AGENDA:** August 17, 2004

**5.1**

**CATEGORY:** Public Hearing

**DEPT.:** Community Development

**TITLE:** Historic Preservation and Neighborhood  
Design Overlay Zone Ordinances

### **RECOMMENDATION**

That the City Council:

1. Introduce AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC RESOURCES, to be read in title only, further reading waived, and set a second reading for August 31, 2004.
2. Adopt A RESOLUTION ESTABLISHING THE INITIAL MOUNTAIN VIEW REGISTER OF HISTORIC RESOURCES PROPERTY LIST AND RESCINDING ALL OTHER HISTORIC LISTS, to be read in title only, further reading waived.
3. Introduce AN ORDINANCE AMENDING SECTIONS OF CHAPTER 36 OF THE MOUNTAIN VIEW CITY CODE RELATING TO THE NEIGHBORHOOD DESIGN OVERLAY ZONE, to be read in title only, further reading waived, and set a second reading for August 31, 2004.

### **FISCAL IMPACT**

The proposed Historic Preservation Ordinance incorporates several potential financial incentives for property owners whose buildings are on the Historic Register. They include rebate of the City's share of property taxes, participation in Mills Act contracts and implementation of an historic building rehabilitation loan fund. For all programs, the loss of property tax revenue or implementation costs would vary depending on the number of participating properties.

Under the property tax rebate program, a single-family house with an assessed value of \$250,000 would be rebated about \$380 each year. Commercial properties have more variable assessed valuations, but they would presumably be higher, making the rebates higher.

Under a Mills Act contract, the assessed value of a single-family house would be lowered by about 50 percent; for commercial property, it would be lowered by about 20 percent. Therefore, the City's property tax revenues from a single-family house currently assessed at

\$250,000 would be reduced by about \$190. Again, reductions from commercial property would vary.

The components of a rehabilitation loan fund for historic buildings would have to be further developed before a cost estimate can be made.

There will be some administrative costs for the initial implementation of the Historic Preservation Program and then the ongoing processing of Historic Preservation (HP) Permits. As recommended, there will be no application fee for HP Permits.

## **BACKGROUND**

In April 2002, the City Council adopted a two-year interim urgency Historical Preservation Ordinance which has now expired. In approving the interim ordinance, the Council directed the Environmental Planning Commission (EPC) to make recommendations on how it should be modified to become a permanent ordinance. The EPC began an intensive study of historic preservation in September 2003 and held 10 public meetings before making recommendations to the City Council in February 2004. The EPC made recommendations on a new ordinance, a process for placing properties on a Register of Heritage Resources, downtown and neighborhood preservation tools, historic design guidelines, and incentives and benefits.

The Council then held study sessions in March, April and June 2004 to review and make preliminary decisions on the Commission's recommendations. Some of the preliminary decisions were approved by consensus, and some were approved by actual votes. These preliminary decisions, which are listed below, are the framework for the ordinances and resolution now being considered by the Council. They are:

- Both an Historic Preservation Ordinance for individual buildings and an improved Neighborhood Design (ND) overlay zone should be adopted.
- The Historic Preservation Ordinance should be voluntary.
- The Register of 93 properties\* adopted with the interim ordinance in 2002 should be readopted, and property owners should be given six months to request removal from the Register.
- Once properties are on the Register, they must remain on it for 10 years, at which time, they can be removed. They can also be removed every five years after that.

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\* The original list actually had 94 properties, but the City Council later approved removal of one property.

- Properties that are on the Register are required to obtain permits for alterations to any part of the house that embodies its historic character.
- Incentives and benefits will be available to properties on the Register but, if a property owner requests removal, the financial benefits must be repaid.
- The question of whether the City should develop a Transfer of Development Rights (TDR) Program should be deferred until the City Council considers its priorities next year.
- Consultants should not be hired for developing guidelines or defining historical neighborhoods at this time.
- Properties that may be eligible for the National and State Register of Historic Resources are subject to the California Environmental Quality Act (CEQA).
- The Neighborhood Design (ND) overlay zone should be amended to create greater flexibility for neighborhoods that want to preserve their historic character.

## **ANALYSIS**

This section discusses how the Historic Preservation Ordinance, the Initial Register and the revised ND zone respond to key issues which have been addressed by the Council. In a few cases where issues were not completely resolved, it proposes alternatives to the language in the ordinances. The attached ordinances also highlight the alternative language.

### **Properties on the Register**

The ordinance establishes two ways for properties to be placed on the Register. One is by the City Council adopting an Initial Mountain View Register of Historic Resources (at this meeting), and the other is by the property owner or the City Council initiating designation later on.

The Initial Register is composed of the 93 properties on the Register originally adopted with the interim ordinance. City staff will notify each property owner by certified mail within 30 days of Council adoption of the ordinance (by September 30, assuming Council adoption on second reading on August 31). Staff will include information about incentives and benefits in the notification letter. Property owners need only fill out a form and return it to the Community Development Director by March 31, 2005 to be removed.

The second way for a property to be placed on the Register is for the owner or the City to initiate the designation process. If the City initiates the process because of some unforeseen circumstance, property owner permission to proceed with designation would still be required. Properties must meet the criteria for designation (see Page 2 of the Historic Preservation Ordinance).

**Alternative:** After approval of the Initial Register, only the property owner, not the City, can initiate the designation process. The attached ordinance indicates the wording that would be deleted to incorporate this change.

### Incentives and Benefits

Properties on the Register would be eligible for several types of incentives and benefits. The land-use benefits include approval of variances; major floor area exceptions; setback and minor floor area exceptions; exemptions from regulations that apply to nonconforming uses and structures; and use of the historic building code. Receipt of the benefit is contingent on the property owner protecting and enhancing the historical character-defining features of the building. Property owners will have to apply for permits to receive these land-use benefits.

The benefits are also financial and include the opportunity to enter into Mills Act contracts with the City, a potential historic building rehabilitation loan fund and property tax rebates. Mills Act contracts will be available immediately but must be initiated by application of property owners. The property tax rebate program has several complexities, which can likely be resolved, but it will take up to six months to address them and to develop the procedures. The rehabilitation loan fund will not be available until such time as the City Council establishes the fund.

If an owner who has received a property tax rebate seeks to have a property removed from the Register, he must repay the City for the last 10 years of property tax rebates. This "recapture" provision was capped at 10 years to make it less financially onerous on the property owner. It will also make it easier to track.

**Alternative:** Provide property tax rebates with no requirement to repay the City on the basis that, while a property is on the Register, it is providing a benefit to the entire City. The "recapture" provision could also be a deterrent to being listed on the Register. The attached ordinance indicates the wording that would be deleted to incorporate this change.

### Removal from Register

Properties must remain on the Register for 10 years from the date of initial designation. For properties that stay on the Initial Register, this would be for 10 years from March 31, 2005.

For properties added to the list later, this would be for 10 years from the date they were added. After that, properties can request removal at five-year intervals. In addition, a property owner can request removal at any time if the building becomes unsafe or dangerous (for example, if there is a major fire).

The rationale for requiring properties to remain on the Register for 10 and 5 years is to discourage property owners from applying for designation just so they can get a special benefit, such as a variance, that they might not otherwise be eligible for. This seems to be the main reason property owners might want to be on the Register for a short time since it is unlikely that a property owner would want short-term designation in order to receive property tax rebates.

**Alternative:** Eliminate the minimum 10-year/5-year requirements for removal or apply them only when property owners seek a zoning variance or exception. The reason for this alternative is that requirements to remain on the Register may be a deterrent to getting listed. Also, it could be argued that listing for any period of time benefits the community. Language that would incorporate this provision into the ordinance is shown in the ordinance as an alternative. It says: Owners of properties on the Register "may submit an application requesting removal at any time."

### Historic Preservation Permit

An Historic Preservation (HP) Permit is required for significant alterations to all buildings on the Historic Register. "Significant" is defined as an alteration to the exterior that is determined by the Zoning Administrator as having the potential to affect the character-defining features of the building. HP Permits are not required for modifications to the interior and changes in landscaping. The Zoning Administrator may also exempt maintenance or repair of windows, doors, porch elements, chimneys and roofs with the same or similar design and materials. Property owners can also maintain and repair their property without obtaining HP Permits to keep its historical features in good condition.

### National and State Register Properties

As has been noted in previous staff reports, properties that are eligible for the National or State Registers are subject to specific regulation under CEQA. CEQA applies to those properties even if they are not on the Mountain View Register.

There are four privately owned buildings which consultants have found may be eligible for the National or State Registers. They are:

- The Masonic Temple (890 Church Street)

- St. Joseph's Church (582 Hope Street)
- Farmers and Merchants Building (Red Rock Café – 201 Castro Street)
- Byer Home (340 Palo Alto Avenue)

Because of their special status under CEQA, the draft Historic Preservation Ordinance incorporates specific requirements for alterations and demolitions to National or State Register eligible properties. If the owner proposes to alter or demolish a building, the City will prepare an Initial Study and a Mitigated Negative Declaration, as appropriate.

The mitigation measure for alterations will be substantial compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. These standards will be applied with flexibility as was the case for the historic features (windows) and materials (roof, siding, trim and architectural metals) for the house at 340 Palo Alto Avenue. The Secretary's Standards say the original materials must be used if possible. If they are broken or damaged, the next best thing is to repair them. If that is not possible, then the applicant may replace the material with a like material.

If a National or State Register eligible property is proposed for demolition, the appropriate mitigation measure will be that the new development which replaces it will be subject to development review and approval by the City Council prior to issuance of the demolition permit. This is to ensure that the new structure is compatible with surrounding development, and its design is consistent with the historical character of the building that was removed. This mitigation measure is in keeping with the voluntary nature of the ordinance. Without it, the City would have to default to the preparation of an Environmental Impact Report, which could require significant time and effort and still result in demolition.

**Alternate:** Require that a Focused Environmental Impact Report be prepared if a demolition is proposed. This would enable the Council to require that the house be preserved or to make Findings of Overriding Considerations allowing it to be demolished. Language that would incorporate this alternative is shown in the ordinance. It says: "A Focused Environmental Impact Report will be required for a building proposed for demolition which is eligible for the National or State Register."

#### Neighborhood Design Overlay Zone

On June 29, the Council preliminarily decided that the ND overlay zone should be the tool that neighborhoods use to protect their historic character. The Council directed staff to draft wording for a few minor changes that would make it easier for neighborhoods to initiate and

apply ND overlay zoning. These changes concern the percentage of properties that must have the features that are to be preserved and the process for reviewing the changes.

**FEATURES TO BE PRESERVED:** Based on Council comments, staff has included language in the ordinance that would require that at least 51 percent of the parcels in the proposed ND overlay zone must have at least one of any of the characteristics to be regulated. If more than one characteristic is to be regulated, at least 35 percent of the parcels must have at least two of any of the characteristics to be regulated.

An example of how this would work is as follows: Neighborhood Z has identified three design characteristics that it wants to see continued in the neighborhood – garages at the rear, front doors facing the street and divided light windows. If 51 percent of the houses in the proposed ND area have any one of those features and if 35 percent have any two of those features, the neighborhood would be eligible for ND overlay zoning that would regulate those features.

**Alternative:** Wording that may better reflect what the Council intended is shown in the ordinance as follows: Require that "at least 51 percent of the parcels in the ND overlay zone must have one particular identified characteristic that they all share. If more than one characteristic is proposed to be regulated, at least 35 percent of the parcels must have two characteristics that they all share."

An example of how this alternative would work is as follows: Neighborhood X has identified the same three characteristics as above. If 51 percent have garages at the rear and 35 percent have both garages at the rear and front doors facing the street, the neighborhood would be eligible for ND overlay zoning that would regulate those features.

**Alternative:** Another alternative is to drop the 35 percent requirement from either option to make the process easier to understand. Then, the only requirement would be that 51 percent have one architectural feature.

**PROCESS FOR REVIEWING CHANGES.** The Council indicated it wanted a simple, over-the-counter process for reviewing building permits for houses in the ND zone and that the process should have more of a "menu" approach to compliance. For example, applications for alterations should incorporate two or three out of four or five of the regulated design characteristics (or whatever numbers are chosen). Therefore, applied to a new house, the specific ordinance language is that the design must incorporate at least half of the features to be regulated (i.e., one feature if there are two required features; two features if there are three or four required features, etc.).

However, the menu approach does not work for a house that is being remodeled. For example, a property owner in an ND zone which regulates the three design characteristics mentioned above is remodeling the front porch of his house but is not altering his windows, and his garage is not at the rear. It would not be realistic to require this property owner to comply with two of the three requirements. Therefore, the proposed language requires the property owner to only comply with the design standard which is applicable to the remodeled portion of the house—in this case, the porch.

### **ALTERNATIVES**

Following is the complete list of alternatives suggested in this report:

#### **Historic Ordinance**

- After approval of the Initial Register, only the property owner, not the City, can initiate the designation process.
- Provide property tax rebates with no requirement to repay the City.
- Eliminate the minimum 10-year/5-year requirements for removal or apply them only when property owners seek a land-use benefit, e.g., a zoning variance.
- Require that a Focused Environmental Impact Report be prepared when a National or State Register eligible property is proposed for demolition.

#### **Neighborhood Design Overlay Zone**

- Require that at least 51 percent of the properties in a proposed ND zone must have one architectural feature that they all share and at least 35 percent must have two architectural features that they all share.
- Drop the 35 percent requirement from either option to make the process easier to understand.

### **PUBLIC NOTICING**

Agenda posting and newspaper notice. Notices were also sent to people on the City's historic preservation mailing list, including the owners of all properties on the Initial Historic Register.



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## **CONCLUSION**

The proposed Historic Preservation Ordinance reflects the desire of the majority of the Council for a process that encourages owners to voluntarily place their historic properties on the Register by offering benefits and incentives. However, once on the Register, it will not be as simple to remove them. The ordinance also establishes special CEQA mitigations for

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National and State Register properties. Finally, the ND zone is again being modified with the objective of making it more attractive to neighborhoods.

Prepared by:

Approved by:

Lynnie Melena  
Senior Planner

Elaine Costello  
Community Development Director

Whitney McNair  
Planning Manager

Kevin C. Duggan  
City Manager

LM/5/CAM  
859-08-17-04M-E^

- Attachments:
1. Historic Preservation Ordinance
  2. Resolution Establishing the Initial Mountain View Register of Historic Resources
  3. Amendment to the Neighborhood Design Overlay Zone
  4. City Council Study Session Minutes of April 20, 2004
  5. City Council Study Session Minutes of June 29, 2004

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW PROVIDING FOR  
THE DESIGNATION AND PRESERVATION OF HISTORIC RESOURCES

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN  
AS FOLLOWS:

Section 1. Article A36.78 is hereby added to Chapter 36 and shall read as follows:

**"SEC. A36.78.010. Council findings.**

The city council finds and declares that the recognition, preservation, protection and use of historical resources is in the best interest of the health, prosperity, social and cultural enrichment and general welfare of the city and furthers General Plan Goal G, which is to preserve and protect Mountain View's historic resources and encourage their restoration.

**SEC. A36.78.020. Definitions.**

For the purpose of this article, the following words shall have the meanings set forth in this section:

a. "Character-defining feature" shall mean the distinctive, tangible and physical features or elements which contribute to the overall character of a structure.

b. "Exempt alteration" shall mean an alteration or modification that is determined by the zoning administrator to have limited potential to affect the character-defining features of a historic resource and shall include modifications to the interior and changes to landscaping. For single-family and two-family houses, it includes the repainting of previously painted surfaces, regardless of color. The zoning administrator may also determine that the following changes are exempt: maintenance or repair of windows, doors, porch elements, chimneys and roofs with the same or similar designs and materials whether or not the change requires a building permit.

c. "Historic resource" shall mean any building, structure, object or site that the city council has designated for inclusion in the Mountain View Register of Historic Resources.

d. "Mountain View Register of Historic Resources," or "Historic Register," or "Register," or "Initial Register" shall mean the inventory of buildings, structures, objects

and sites designated by the city council as Historic Resources pursuant to the provisions of this ordinance and adopted by council resolution as amended from time to time. The Mountain View Register of Historic Resources shall be the city's only "local register of historical resources" under Public Resources Code Section 5024.1.

e. "Significant alteration" shall mean an alteration or modification to the exterior that is determined by the zoning administrator as having the potential to affect the character-defining features of the building. It does not include removal of nonhistoric features or additions that may exist on a Historic Resource.

**SEC. A36.78.030. Preservation of resources.**

No person shall alter, modify, remove or destroy any Historic Resource designated pursuant to this article except in compliance with this article.

**SEC. A36.78.040. Designation criteria.**

A building, structure, site or other improvement may be designated as a Historic Resource and placed on the Mountain View Register of Historic Resources if the city council finds that it meets one or more of the following criteria:

- a. Is strongly identified with a person who, or an organization which, significantly contributed to the culture, history or development of the City of Mountain View;
- b. Is the site of a significant historic event in the city's past;
- c. Embodies distinctive characteristics significant to the city in terms of a type, period, region or method of construction or representative of the work of a master or possession of high artistic value; or
- d. Has yielded, or may be likely to yield, information important to the city's prehistory or history.

**SEC. A36.78.050. Designation process for Historic Register.**

a. **Initial Register.** The city council may, by resolution, adopt an "Initial Mountain View Register of Historic Resources." Owners of properties on the Register will be notified by certified mail within thirty (30) days of adoption of the ordinance providing for the designation and preservation of historic resources. If the council adopts a Historic Register, all properties, including those designated pursuant to this section, shall be included in the Register.

b. **Initiation by owner.** The property owner may request designation of a building, structure or other improvement as a Historic Resource. Applications for designation must be accompanied by such historical and architectural information as is required to allow city staff to make an informed recommendation concerning the application. The application shall be filed with the community development department.

c. **Initiation of individual Historic Resource by the council.** The council may initiate the designation by majority vote which will begin the review process. Within thirty (30) days of the initiation of the designation by the council, the city shall notify the property owner of such application. The application will be processed only if the property owner agrees in writing to such designation.

d. **Public hearings.**

1. **Public hearing before zoning administrator.** For applications initiated pursuant to subsections (b) and (c) above, the zoning administrator shall hold a public hearing in accordance with Sec. A36.80 (Applications, Hearings and Appeals) to consider the application. The zoning administrator shall review the evidence in support of the application and determine whether the property meets the criteria for designation, and forward a recommendation to the city council on whether the property should be placed on the Register.

2. **Public hearing before city council.** Upon receipt of the zoning administrator's recommendation, the council shall hold a public hearing in accordance with Sec. A36.80 (Applications, Hearings and Appeals). The council shall review the evidence in support of the application and the recommendation of the zoning administrator and determine whether the property meets the criteria for designation and make a final decision on whether the property should be placed on the Register.

**SEC. A36.78.060. Removal from Register.**

a. **Removal from Initial Register.** Within six (6) months of the adoption of this ordinance, any property owner may submit a request in writing, on a form approved by the community development director, that their property be removed from the Register. The application for removal shall be signed by all owners of the property. The director shall determine whether the request for removal is in compliance with this article and shall grant the request if it complies with the requirements of this article.

b. **Removal from Register.** Properties remaining on the Register pursuant to Sec. A36.78.050.a, and following the six-month removal period, and properties entered on the Register pursuant to Sec. A36.78.050(b), (c) and (d), shall remain on the Register and cannot be removed for ten (10) years from the initial designation. Every five

(5) years thereafter, on the anniversary of the designation, properties may apply for removal. The application shall be submitted and reviewed consistent with subsection (a), above.

**Alternative Language for Paragraph b.**

b. **Removal from Register.** Owners of properties remaining on the Register pursuant to Sec. A36.78.050.a, and following the six-month removal period, and owners of properties entered on the Register pursuant to Sec. A36.78.050(b), (c) and (d), may submit an application requesting removal at any time. The application shall be submitted and reviewed consistent with subsection (a), above.

c. **Recapture of property tax incentive.** The application for removal of the Historic Resource from the Register shall include a payment for the last ten (10) years of property tax rebates, without interest, or the actual amount rebated if less than ten (10) years.

**Alternative**

Delete Paragraph c. above.

**SEC. A36.78.070. Incentives and benefits.**

a. Historic resources are eligible for special incentives and benefits as determined and adopted by the city council. The availability of the following incentives and benefits is contingent upon the determination that the approval, exemption or benefit will protect and enhance the character-defining features of the building.

1. Variances pursuant to Sec. A36.56.050;
2. Major floor area ratio exceptions pursuant to Sec. A36.12.030.4;
3. Setback and minor floor area exceptions pursuant to Sec. A36.12.040.1;
4. Exemptions from nonconforming uses and structures pursuant to Sec. 36.29;
5. Use of the State Historic Building Code; and
6. Mills Act contracts.

b. The council may also, by resolution or on a case-by-case basis during a public hearing process, determine which of the following additional incentives and/or benefits are appropriate. The incentives and benefits thereby granted shall only be effective during the maintenance of the Historic Resource.

1. Historic building rehabilitation loan fund; and

2. Rebate of the City of Mountain View portion of the property tax during the designation period. The city's finance and administrative services director shall develop a procedure to facilitate this rebate. The rebate shall be based on the property owner's/property owners' application for the benefit and may not be granted on a prospective basis.

**SEC. A36.78.080. Requirement of permit; development review process.**

a. **Applicability.** No person shall make a significant alteration, redevelop, or relocate any structure or improvement, or any portion thereof, upon a property designated as a Historic Resource on the Mountain View Register of Historic Resources without first obtaining a "Historic Preservation Permit" or HP permit. An HP permit shall remain in effect for four (4) years from the date of approval.

b. **Exceptions.**

1. **Exempt alteration.** A Historic Preservation Permit shall not be required for an exempt alteration. The city council may, by resolution, adopt a list of alterations that are deemed to be exempt alterations.

2. **Hazardous or unsafe conditions.** Construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure, or other feature a part hereof, where such condition has been declared unsafe or dangerous, in writing, by the building official or fire marshal and where said officials have declared the proposed measures necessary on an urgency basis to correct the condition. In no event shall any work be performed which is not absolutely necessary to correct the immediate danger created by the unsafe or dangerous condition, and such work shall be done with due regard for preservation of the appearance of the structure involved.

3. **Ordinary repair and maintenance.** Nothing in this section shall be construed to prevent the ordinary repair and maintenance of any architectural feature of a designated Historic Resource. The owner of a designated Historic Resource shall keep and maintain in good condition and repair all exterior portions of the resource and all interior portions whose maintenance is necessary to prevent deterioration and decay of the exterior feature.

c. **Special submittal requirements.** The application shall be submitted to the community development department and, in addition to the application requirements of this division, shall contain information and documentation, including architectural drawings and specifications (site plan, elevations, floor plans and building materials); current photographs, sketches, drawings or other descriptive materials necessary to illustrate the proposed alteration; and any other information, which could include an historical assessment by a professional consultant, as determined to be necessary by the community development department for a complete and adequate application.

d. **Hearings and action.** Applications for HP permits shall be initially reviewed by the Development Review Committee (DRC). The DRC shall forward a recommendation to the zoning administrator who shall hold a duly noticed public hearing in accordance with Sec. A36.80 (Applications, Hearings and Appeals).

e. **Findings.** The HP permit may be approved or conditionally approved if the following findings are made:

1. The proposed significant alteration will not result in a substantial adverse change in the significance of the Historic Resource and, therefore, review under the California Environmental Quality Act is not required.

2. The proposed significant alteration maintains and enhances the appearance of the community.

**SEC. A36.78.090. National and California Register properties.**

a. Buildings that are eligible for the National Register of Historic Places or the California Register of Historical Resources are subject to review under the California Environmental Quality Act.

b. The appropriate mitigation for a building which is eligible for the National or State Register, which is proposed for demolition, is for the new development which replaces it to be subject to development review approval by the city council prior to issuance of the demolition permit in order to ensure that the new structure is compatible with surrounding development and its design is consistent with the historical character of the building that was removed.

**Alternative Language for Paragraph b.**

b. A Focused Environmental Impact Report may be required for a building proposed for demolition which is eligible for the National or State Register.



c. Alterations to buildings which are eligible for the National Register of Historic Places or the California Register of Historical Resources shall be reviewed pursuant to Sec. A36.78.080(a), (b), (c), (d) and except that the city council shall determine whether to grant an HP Permit and the council must find that the alteration is in substantial compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties pursuant to the California Environmental Quality Act.

**SEC. A36.78.100. Appeals.**

Appeals to the zoning administrator or city council, as applicable, shall be filed and processed pursuant to Sec. A36.80 (Applications, Hearings and Appeals)."

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MDM/5/ORD  
014-02-10-04o^

CITY OF MOUNTAIN VIEW  
RESOLUTION NO.  
SERIES 2004

A RESOLUTION ESTABLISHING THE INITIAL  
MOUNTAIN VIEW REGISTER OF HISTORIC RESOURCES PROPERTY LIST  
AND RESCINDING ALL OTHER HISTORIC LISTS

WHEREAS, on August 17, 2004, the City Council held a public hearing on an Ordinance Providing for the Designation and Preservation of Historic Properties and a Resolution Establishing the Initial Mountain View Register of Historic Resources Property List, and received and considered all evidence presented at said hearing, including the Initial Mountain View Register and staff report; and

WHEREAS, the Initial Mountain View Register of Historic Resources Property List is hereby attached as Exhibit A; and

WHEREAS, properties on the Initial Register can be removed at the request of their owners for a period of six months following the adoption of the Ordinance Providing for the Designation and Preservation of Historic Resources;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds that adoption of the Initial Mountain View Register of Historic Resources Property List is consistent with the General Plan, the Ordinance Providing for the Designation and Preservation of Historic Resources and zoning requirements of the City.

BE IT FURTHER RESOLVED by the City Council that the Initial Mountain View Register of Historic Resources is hereby established and is inclusive of all properties listed on the Register, which are attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the City Council that the Initial Mountain View Register of Historic Resources is Mountain View's only local register of historic resources, and all other lists are hereby rescinded.

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LM/9/RESO  
859-08-17-04R^

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 36 OF  
THE MOUNTAIN VIEW CITY CODE RELATING TO THE  
NEIGHBORHOOD DESIGN OVERLAY ZONE

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY  
ORDAIN AS FOLLOWS:

Section 1. Council Findings. The City Council of the City of Mountain View finds and declares that Chapter 36, entitled, "Zoning," of the Mountain View City Code should be updated and revised to change the requirements for initiating a Neighborhood Design ("ND") overlay zone and change the requirements related to the application of the special design standards to new and remodeled houses.

Section 2. Zoning Amendments. Section A36.74.030, "Special Application Requirements" is hereby amended as follows:

**"SEC. A36.74.030. Special application requirements.**

a. Zoning amendments may be initiated by the director, commission or council and may include any amendment to the text of this chapter or to the official zoning map.

b. An application for a zoning text amendment may be filed by any interested party residing in, owning property or doing business with the city.

c. Unless initiated in accordance with Section A36.74.030.a, an application to amend the official zoning map designation for a particular parcel may be filed only by the owner or authorized agent of the owner of the subject property(ies).

d. Notwithstanding the above, an application to amend the zoning map to apply the height limitation (-H) overlay zone or the neighborhood design (-ND) overlay zone may be filed by the owners of at least fifty percent (50%) of the parcels that would be subject to the overlay zone. In addition, fifty-one percent (51%) of the parcels in the -H overlay zone must comply with the height proposed for adoption by the city council, and at least fifty-one percent (51%) of the parcels in the -ND overlay zone must have at least one (1) of any of the characteristics proposed to be regulated. If more than one (1) characteristic is proposed to be regulated, at least thirty-five percent (35%) of the parcels must have at least two (2) of any of the characteristics proposed to be regulated. Prior to final city council action on the rezoning application, sixty-seven percent (67%) of the

property owners in the areas subject to the overlay zone, who respond to a mailed ballot, must indicate support for the zone change. However, the city council reserves the right to approve the rezoning without the sixty-seven percent (67%) support.

[...]"

**Alternative Language A  
(Starting with Line 6 in Paragraph d. above)**

"...and at least fifty-one percent (51%) of the parcels in the -ND overlay zone must have at least one (1) particular identified characteristic that they all share. If more than one (1) characteristic is proposed to be regulated, at least thirty-five percent (35%) of the parcels must have at least two (2) characteristics that they all share."

**Alternative Language B**

Delete all references to 35 percent from proposed language or from Alternative A if selected.

Section 3. Neighborhood Design Overlay Zone. Section A36.20.030, "Neighborhood Design (-ND) Overlay Zone" is hereby amended as follows:

**"SEC. A36.20.030. Neighborhood design (-ND) overlay zone.**

a. **Purpose.** The neighborhood design (-ND) overlay zoning district is intended to identify areas where unique characteristics of individual neighborhoods are to be protected and/or enhanced through special design standards applicable to those areas only.

b. **Minimum area requirements.** The area must be definable as a geographic unit including, but not limited to, one (1) or more entire city blocks or one (1) or more entire subdivision tracts or street faces opposite one another.

c. **Application of overlay zone.** The -ND overlay will be applied to areas where residents have worked with the city to identify one (1) or more important characteristic(s) to be protected or enhanced, and to prepare special standards to carry out protection and enhancement objectives. Any special standards may be prepared to supplement, or to allow departure from the other provisions of this chapter.

**d. Requirements:**

1. Special design standards. In any case where one (1) or more special design standards have been adopted by the council through the application of the -ND overlay zone, those special design standards shall apply to development and new land uses in the neighborhood in addition to all other applicable provisions of this chapter. If a new house is proposed, and the -ND zone regulates more than one (1) special design standard, property owners need not comply with all of the standards, but shall comply with at least half of them. If a house is proposed to be remodeled, the special design standards shall apply only to the remodeled portion of the house and then only if that portion of the house is subject to special design standards. In the event of any conflicts between special standards imposed by the -ND overlay and other provisions of this chapter, the special standards shall control.

2. Development review required. All development within an -ND overlay zoning district shall be subject to development review in compliance with Section A36.52, Development Review."

Section 4. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 6. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

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